

FILED

July 9 2008

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

WOLD LAW FIRM, P.C.
ATTORNEYS AT LAW

DOUGLAS J. WOLD
CHAD M. WOLD
LESLIE ANN BUDEWITZ
(ALSO ADMITTED IN WASHINGTON)
MEGHAN McKEON DOUD
JEFFREY M. DOUD

OF COUNSEL
STEPHANIE L. WALLS
(ALSO ADMITTED IN TEXAS)

☒ REPLY TO:

38883 BAYPOINT LANE
POST OFFICE BOX 400
POLSON, MONTANA 59860-0400

☐ REPLY TO:

126 CENTRAL AVENUE
POST OFFICE BOX 2050
WHITEFISH, MONTANA 59937

FILED

JUL 09 2008

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

July 7, 2008

Montana Supreme Court
Box 203003
Helena, MT 59620-3003

Re: Proposed 2008 Montana Code of Judicial Conduct

Dear Honorable Justices:

Lake County Justice of the Peace Chuck Wall has asked me to read and comment on his letter to you dated July 1, 2008. In that letter Justice Wall expresses his concern about Proposed 2008 Montana Code of Judicial Conduct Rule 3.10. I have reviewed his letter and share his belief that the proposed rule prohibiting lower court judges from the practice of law will have a negative effect on the quality of justice in the JP courts fortunate enough to have an attorney as its Justice of the Peace.

Justice Wall's letter reports that "...one of the main reasons for proposed Rule 3.10 was the theory that a lower court judge should not be held to a lesser ethical standard than a district judge." I agree with his observation that proposed Rule 3.10 does not address an ethics issue. By prohibiting private practice, the proposed rule might only prevents the subject justice from entering the arena where he/she could commit an ethics violation – it does not prohibit the violation itself. The code section prohibiting the violation is adequate to provide the needed ethical protection.

Further, I endorse the idea that the benefit to the public provided by lawyer-judges outweighs any benefit of the proposed rule. I have observed – mostly from a distance – the good impact that a legal education has afforded several lawyer Justices of the Peace in this area. I have heard several attorneys remark about seeing the high quality of justice delivered by lawyer-J.P.s such as Justices Wall, Ortley and Tornow. I once watched a trial by former JP Stu Stadler and was impressed with his conduct of that lower court process. I think that experience also prepared him well for his current position as District Judge.

Thank you for considering these remarks.

Sincerely,



Douglas J. Wold